

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION**FILED**

JUN 28 2007

\*\*\*\*\*

ROBERT F. BAKER,

CIV. 07-4056

  
CLERK

Plaintiff,

vs.

ORDER

DIRECTOR VINNEKAMP;  
PLANKINTON STATE TRAINING SCHOOL,  
Medical Dept. and Cottage D Supervisors,

Defendants.

\*\*\*\*\*


Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted. The Court has reviewed the Plaintiff's Objections to the Report and Recommendation of Judge Simko dated May 25, 2007. After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. Plaintiff's Objections (Doc. 7) are OVERRULED.
2. The Report and Recommendation (Doc. 4) is ADOPTED.
3. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 28<sup>th</sup> day of June, 2007.

BY THE COURT:

  
 Lawrence L. Piersol  
 United States District Judge
ATTEST:  
JOSEPH HAAS, CLERKBy: , Deputy  
(SEAL)